

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2600**

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**Introduced by Assembly Member Bonilla**

February 21, 2014

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An act to amend Sections 60603, 60604, 60607, 60611, 60630, 60640, 60641, 60643, 60643.6, and 60648 of, and to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to pupil assessment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as amended, Bonilla. Pupil assessment: California Assessment of Student Performance and Progress.

Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The MAPP is composed of a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public

Instruction, the State Board of Education, and affected local educational agencies.

This bill would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP), and would make conforming changes. *The bill would also update cross-references and make clarifying and nonsubstantive changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 60603 of the Education Code is amended
- 2 to read:
- 3 60603. As used in this chapter:
- 4 (a) “Achievement level descriptors” means a narrative
- 5 description of the knowledge, skills, and processes expected of
- 6 pupils at different grade levels and at different performance levels
- 7 on achievement tests.
- 8 (b) “Achievement test” means any summative standardized test
- 9 that measures the level of performance that a pupil has achieved
- 10 on state-adopted content standards.
- 11 (c) “California Assessment of Student Performance and Progress
- 12 (CAASPP)” means the comprehensive assessment system,
- 13 inclusive of consortium-developed assessments, that has the
- 14 primary purpose of modeling and promoting high-quality teaching
- 15 and instruction using a variety of assessment approaches and item
- 16 types.
- 17 (d) “Census administration” means a test administration in which
- 18 all pupils take comparable assessments of the same content and
- 19 where results of individual performance are appropriate and
- 20 meaningful to parents, pupils, and teachers.
- 21 (e) “Computer-adaptive assessment” means a computer-based
- 22 test that utilizes a computer program to adjust the difficulty of test
- 23 items throughout a testing session based on a test taker’s responses
- 24 to previous test items during that testing session.
- 25 (f) “Computer-based assessment” means a test administered
- 26 using an electronic computing device.
- 27 (g) “Consortium” means a multistate collaborative organized
- 28 to develop a comprehensive system of assessments or formative
- 29 tools such as described in Section 60605.7.

1 (h) “Constructed-response questions” means a type of  
2 assessment item that requires pupils to construct their own answers.

3 (i) “Content standards” means the specific academic knowledge,  
4 skills, and abilities that all public schools in this state are expected  
5 to teach, and all pupils are expected to learn, in reading, writing,  
6 mathematics, history-social science, foreign languages, visual and  
7 performing arts, and science, at each grade level tested.

8 (j) “Diagnostic assessment” means an assessment of particular  
9 knowledge or skills a pupil has or has not yet achieved for the  
10 purpose of informing instruction and making placement decisions.

11 (k) ~~“End-of-course examination”~~ “*End-of-course examination*”  
12 means a comprehensive and challenging assessment of pupil  
13 achievement in a particular subject area or discipline.

14 (l) “Field test” means an assessment or assessment items  
15 administered to a representative sample of a population to ensure  
16 that the test or item produces results that are valid, reliable, and  
17 fair.

18 (m) “Formative assessment tools” means assessment tools and  
19 processes that are embedded in instruction and used by teachers  
20 and pupils to provide timely feedback for purposes of adjusting  
21 instruction to improve learning.

22 (n) “High-quality assessment” means an assessment designed  
23 to measure a pupil’s knowledge of, understanding of, and ability  
24 to apply, critical concepts through the use of a variety of item types  
25 and formats, including, but not necessarily limited to, items that  
26 allow for constructed responses and items that require the  
27 completion of performance tasks. A high-quality assessment should  
28 have the following characteristics:

29 (1) Enable measurement of pupil achievement and pupil growth  
30 to the extent feasible.

31 (2) Be of high technical quality by being valid, reliable, fair,  
32 and aligned to standards.

33 (3) Incorporate technology where appropriate.

34 (4) Include the assessment of pupils with disabilities and English  
35 learners.

36 (5) Use, to the extent feasible, universal design principles, as  
37 defined in Section 3 of the federal Assistive Technology Act of  
38 1998 (29 U.S.C. Sec. 3002) in its development and administration.

39 (o) “Interim assessment” means an assessment that is designed  
40 to be given at regular intervals throughout the school year to

1 evaluate a pupil's knowledge and skills relative to a specific set  
2 of academic standards, and produces results that can be aggregated  
3 by course, grade level, school, or local educational agency in order  
4 to inform teachers and administrators at the pupil, classroom,  
5 school, and local educational agency levels.

6 (p) "Local educational agency" means a county office of  
7 education, school district, state special school, or direct-funded  
8 charter school as described in Section 47651.

9 (q) "Matrix sampling" means administering different portions  
10 of a single assessment to different groups of pupils for the purpose  
11 of sampling a broader representation of content and reducing  
12 testing time.

13 (r) "Performance standards" are standards that define various  
14 levels of competence at each grade level in each of the curriculum  
15 areas for which content standards are established. Performance  
16 standards gauge the degree to which a pupil has met the content  
17 standards and the degree to which a school or school district has  
18 met the content standards.

19 (s) "Performance tasks" are a collection of questions or activities  
20 that relate to a single scenario that include pupil interaction with  
21 stimulus. Performance tasks are a means to assess more complex  
22 skills such as writing, research, and analysis.

23 (t) "Personally identifiable information" includes a pupil's name  
24 and other direct personal identifiers, such as the pupil's  
25 identification number. Personally identifiable information also  
26 includes indirect identifiers, such as the pupil's address and  
27 personal characteristics, or other information that would make the  
28 pupil's identity easily traceable through the use of a single or  
29 multiple data sources, including publicly available information.

30 (u) "Population sampling" means administering assessments to  
31 a representative sample of pupils instead of the entire pupil  
32 population. The sample of pupils shall be representative in terms  
33 of various pupil subgroups, including, but not necessarily limited  
34 to, English learners and pupils with disabilities.

35 (v) "Recently arrived English learner" means a pupil designated  
36 as an English learner who is in his or her first 12 months of  
37 attending a school in the United States.

38 (w) "State-determined assessment calendar" means the  
39 scheduling of assessments, exclusive of those subject area  
40 assessments listed in subdivision (b) of Section 60640, over several

1 years on a predetermined schedule. Content areas and grades shall  
2 only be assessed after being publicly announced at least two school  
3 years in advance of the assessment.

4 (x) “Summative assessment” means an assessment designed to  
5 be given near the end of the school year to evaluate a pupil’s  
6 knowledge and skills relative to a specific set of academic  
7 standards.

8 SEC. 2. Section 60604 of the Education Code is amended to  
9 read:

10 60604. (a) The Superintendent shall design and implement,  
11 consistent with the timetable and plan required pursuant to  
12 subdivision (b), a statewide pupil assessment system consistent  
13 with the testing requirements of this article in accordance with the  
14 objectives set forth in Section 60602.5. That system shall include  
15 all of the following:

16 (1) Exclusive of the consortium assessments, a plan for  
17 producing or adopting valid, fair, and reliable achievement tests  
18 as recommended by the Superintendent and adopted by the state  
19 board pursuant to the California Assessment of Student  
20 Performance and Progress (CAASPP) established by Article 4  
21 (commencing with Section 60640).

22 (2) A plan for administering the consortium summative  
23 assessment as outlined by the joint agreement of the consortium.

24 (3) Statewide academically rigorous content and performance  
25 standards that reflect the knowledge and complex skills that pupils  
26 will need in order to succeed in the information-based, global  
27 economy of the 21st century. These skills shall not include personal  
28 behavioral standards or skills, including, but not limited to, honesty,  
29 sociability, ethics, or self-esteem.

30 (4) A statewide system that provides the results of testing in a  
31 manner that reflects the degree to which pupils are achieving the  
32 academically rigorous content and performance standards adopted  
33 by the state board.

34 (5) The alignment of assessment with the statewide academically  
35 rigorous content and performance standards adopted by the state  
36 board.

37 (6) The active, ongoing involvement of parents, classroom  
38 teachers, administrators, other educators, governing board members  
39 of school districts, business community members, institutions of

1 higher education, and the public in all phases of the design and  
2 implementation of the statewide pupil assessment system.

3 (7) A plan for ensuring the security and integrity of the CAASPP  
4 assessments.

5 (8) The development of a contract or contracts with a contractor  
6 for the development or administration of achievement tests and  
7 performance tasks aligned to state-adopted content standards,  
8 including summative assessments or assessments that employ  
9 matrix sampling or population sampling methods.

10 (b) The Superintendent shall develop and annually update for  
11 the Legislature a five-year cost projection, implementation plan  
12 for the CAASPP, and a timetable for implementing the system  
13 described in Section 60640. The annual update shall be submitted  
14 on or before March 1 of each year to the Department of Finance,  
15 the state board, and the respective chairpersons of the appropriate  
16 fiscal subcommittees considering budget appropriations and the  
17 appropriate policy committees in each house. The update shall  
18 explain any significant variations from the five-year cost projection  
19 for the current year budget and the proposed budget.

20 (c) The Superintendent shall make resources available that are  
21 designed to assist with the interpretation and use of the CAASPP  
22 results to promote the use of the results for purposes of improving  
23 pupil learning and educational programs across the full curriculum.  
24 The Superintendent shall consider information already provided  
25 by assessment consortia to which California belongs or assessment  
26 contractors when fulfilling this requirement.

27 (d) The Superintendent shall make information and resources  
28 available to parents, teachers, pupils, administrators, school board  
29 members, and the public regarding the CAASPP, including, but  
30 not necessarily limited to, system goals, purposes, scoring systems,  
31 results, valid uses of assessments, and information on the  
32 relationship between performance on the previous state assessments  
33 and the CAASPP.

34 (e) The Superintendent and the state board shall consider  
35 comments and recommendations from teachers, administrators,  
36 pupil representatives, institutions of higher education, and the  
37 public in the development, adoption, and approval of assessment  
38 instruments.

39 (f) The results of the achievement tests, exclusive of the  
40 consortium summative assessments, administered pursuant to

1 Article 4 (commencing with Section 60640), shall be returned to  
2 the local educational agencies within the period of time specified  
3 by the state board.

4 SEC. 3. Section 60607 of the Education Code is amended to  
5 read:

6 60607. (a) Each pupil shall have an individual record of  
7 accomplishment by the end of grade 12 that includes the results  
8 of the achievement test required and administered annually as part  
9 of the California Assessment of Student Performance and Progress  
10 (CAASPP), or any predecessor assessments, established pursuant  
11 to Article 4 (commencing with Section 60640), results of  
12 end-of-course examinations he or she has taken, and the vocational  
13 education certification examinations he or she chose to take.

14 (b) It is the intent of the Legislature that local educational  
15 agencies and schools use the results of the academic achievement  
16 tests administered annually as part of the CAASPP to provide  
17 support to pupils and parents or guardians in order to assist pupils  
18 in strengthening their development as learners, and thereby to  
19 improve their academic achievement and performance in  
20 subsequent assessments.

21 (c) (1) ~~Except for research provided for in former Section~~  
22 ~~49079.6, as it read on December 31, 2013, researchers or research~~  
23 ~~entities identified in subdivision (f) of Section 49079.5 or~~  
24 ~~subdivision (c) of Section 49079.7, as applicable,~~ a pupil's results  
25 or a record of accomplishment shall be private, and may not be  
26 released to any person, other than the pupil's parent or guardian  
27 and a teacher, counselor, or administrator directly involved with  
28 the pupil, without the express written consent of either the parent  
29 or guardian of the pupil if the pupil is a minor, or the pupil if the  
30 pupil has reached the age of majority or is emancipated.

31 (2) (A) Notwithstanding paragraph (1), a pupil or his or her  
32 parent or guardian may authorize the release of pupil results or a  
33 record of accomplishment to a postsecondary educational  
34 institution for the purpose of credit, placement, or admission.

35 (B) Notwithstanding paragraph (1), the results of an individual  
36 pupil on the CAASPP may be released to a postsecondary  
37 educational institution for the purpose of credit, placement, or  
38 admission.

39 SEC. 4. Section 60611 of the Education Code is amended to  
40 read:

60611. A local educational agency, district superintendent of schools, or principal or teacher of any elementary or secondary school, including a charter school, shall not carry on any program for the sole purpose of test preparation of pupils for the statewide pupil assessment system or a particular test used in the statewide pupil assessment system. Nothing in this section prohibits the use of materials to familiarize pupils with item types or the computer-based testing environment used in the California Assessment of Student Performance and Progress.

SEC. 5. Section 60630 of the Education Code is amended to read:

60630. (a) The Superintendent shall prepare and submit, and subsequently post on the Internet Web site of the department, an annual report to the state board containing an analysis of the results and test scores of the summative assessments administered pursuant to Section 60640. The Superintendent shall notify the state board and the appropriate policy and fiscal committees of the Legislature that the annual report is available on the Internet Web site of the department.

(b) The Superintendent shall post a periodic update on the implementation of the California Assessment of Student Performance and Progress on the Internet Web site of the department, and notify the state board and the appropriate policy and fiscal committees of the Legislature that the update is available on the Internet Web site of the department.

SEC. 6. The heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the Education Code is amended to read:

Article 4. California Assessment of Student Performance and Progress

SEC. 7. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:



1 (1) (A) A consortium summative assessment in English  
2 language arts and mathematics for grades 3 to 8, inclusive, and  
3 grade 11 that measures content standards adopted by the state  
4 board.

5 (B) In the 2013–14 school year, the consortium summative  
6 assessment in English language arts and mathematics shall be a  
7 field test only, to enable the consortium to gauge the validity and  
8 reliability of these assessments and to conduct all necessary  
9 psychometric procedures and studies, including, but not necessarily  
10 limited to, achievement standard setting, and to allow the  
11 department to conduct studies regarding full implementation of  
12 the assessment system. These field tests and results shall not be  
13 used for any other purpose, including the calculation of any  
14 accountability measure.

15 (2) (A) Science grade level assessments in grades 5, 8, and 10  
16 that measure content standards *adopted* pursuant to Section 60605,  
17 until a successor assessment is implemented pursuant to  
18 subparagraph (B).

19 (B) For science assessments, the Superintendent shall make a  
20 recommendation to the state board as soon as is feasible after the  
21 adoption of science content standards pursuant to Section 60605.85  
22 regarding the assessment of the newly adopted standards. Before  
23 making recommendations, the Superintendent shall consult with  
24 stakeholders, including, but not necessarily limited to, California  
25 science teachers, individuals with expertise in assessing English  
26 learners and pupils with disabilities, parents, and measurement  
27 experts, regarding the grade level and type of assessment. The  
28 recommendations shall include cost estimates and a plan for  
29 implementation of at least one assessment in each of the following  
30 grade spans:

31 (i) Grades 3 to 5, inclusive.

32 (ii) Grades 6 to 9, inclusive.

33 (iii) Grades 10 to 12, inclusive.

34 (3) The California Alternate Performance Assessment in grades  
35 2 to 11, inclusive, in English language arts and mathematics and  
36 science in grades 5, 8, and 10, which measures content standards  
37 adopted pursuant to Section 60605 until a successor assessment  
38 is implemented. The successor assessment shall be limited to the  
39 grades and subject areas assessed pursuant to paragraph (1) and  
40 subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5) (A) The department shall make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient. The cost for the *primary language* assessment shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.

(B) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, at its own expense, and shall enter into an agreement for that purpose with the testing contractor. If the local educational agency chooses to administer a primary language assessment pursuant to this paragraph, the department shall reimburse the local educational agency for its costs, including a per pupil apportionment to administer the assessment pursuant to subdivision (I). The department shall determine the procedures for reimbursement.

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the ~~English-language~~ *English language* arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated

1 costs of a stand-alone language arts summative assessment in  
2 primary languages other than English.

3 (E) The Superintendent shall develop, and the state board shall  
4 adopt, a primary language assessment. The Superintendent shall  
5 administer this assessment no later than the 2016–17 school year.

6 (F) This paragraph shall be operative only to the extent that  
7 funding is provided in the annual Budget Act or another statute  
8 for the purpose of this section.

9 (c) No later than March 1, 2016, the Superintendent shall submit  
10 to the state board recommendations on expanding the CAASPP  
11 to include additional assessments, for consideration at a regularly  
12 scheduled public meeting. The Superintendent shall also submit  
13 these recommendations to the appropriate policy and fiscal  
14 committees of the Legislature and to the Director of Finance in  
15 accordance with all of the following:

16 (1) In consultation with stakeholders, including, but not  
17 necessarily limited to, California teachers, individuals with  
18 expertise in assessing English learners and pupils with disabilities,  
19 parents, and measurement experts, the Superintendent shall make  
20 recommendations regarding assessments including the grade level,  
21 content, and type of assessment. These recommendations shall  
22 take into consideration the assessments already administered or  
23 planned pursuant to subdivision (b). The Superintendent shall  
24 consider the use of consortium-developed assessments, various  
25 item types, computer-based testing, and a timeline for  
26 implementation.

27 (2) The recommendations shall consider assessments in subjects,  
28 including, but not necessarily limited to, history-social science,  
29 technology, visual and performing arts, and other subjects as  
30 appropriate, as well as English language arts, mathematics, and  
31 science assessments to augment the assessments required under  
32 subdivision (b), and the use of various assessment options,  
33 including, but not necessarily limited to, computer-based tests,  
34 locally scored performance tasks, and portfolios.

35 (3) The recommendations shall include the use of an assessment  
36 calendar that would schedule the assessments identified pursuant  
37 to paragraph (2) over several years, the use of matrix sampling, if  
38 appropriate, and the use of population sampling.

1 (4) The recommendations shall include a timeline for test  
2 development, and shall include cost estimates for subject areas, as  
3 appropriate.

4 (5) Upon approval by the state board and the appropriation of  
5 funding for this purpose, the Superintendent shall develop and  
6 administer *the* approved assessments. The state board shall approve  
7 test blueprints, achievement level descriptors, testing periods,  
8 performance standards, and a reporting plan for each approved  
9 assessment.

10 (d) For the 2013–14 and 2014–15 school years, the department  
11 shall make available to local educational agencies Standardized  
12 Testing and Reporting Program test forms no longer required by  
13 the CAASPP. The cost of implementing this subdivision, including,  
14 but not necessarily limited to, shipping, printing, scoring, and  
15 reporting per pupil shall be the same for all local educational  
16 agencies, and shall not exceed the marginal cost of the assessment,  
17 including any cost the department incurs to implement this section.  
18 A local educational agency that chooses to administer an  
19 assessment pursuant to this ~~section~~ *subdivision* shall do so at its  
20 own expense, and shall enter into an agreement for that purpose  
21 with a contractor, subject to the approval of the department.

22 (e) The Superintendent shall make available a paper and pencil  
23 version of any computer-based CAASPP assessment for use by  
24 pupils who are unable to access the computer-based version of the  
25 assessment for a maximum of three years after a new operational  
26 test is first administered.

27 (f) (1) From the funds available for that purpose, each local  
28 educational agency shall administer assessments to each of its  
29 pupils pursuant to subdivision (b). As allowable by federal statute,  
30 recently arrived English learner pupils are exempted from taking  
31 the assessment in English language arts. The state board shall  
32 establish a testing period to provide that all schools administer  
33 these tests to pupils at approximately the same time during the  
34 instructional year. The testing period established by the state board  
35 shall take into consideration the need of local educational agencies  
36 to provide makeup days for pupils who were absent during testing,  
37 as well as the need to schedule testing on electronic computing  
38 devices.

39 (2) For the 2013–14 school year, each local educational agency  
40 shall administer the field tests in a manner described by the

1 department in consultation with the president or executive director  
2 of the state board. Additional participants in the field test beyond  
3 the representative sample may be approved by the department, and  
4 the department shall use existing contract savings to fund ~~district~~  
5 *local educational agency* participation in one or more tests per  
6 participant. Funds for this purpose shall be ~~utilized~~ *used* to allow  
7 for maximum participation in the field ~~test~~ *tests* across the state.  
8 To the extent savings in the current contract are not available to  
9 fully fund this participation, the department shall prorate available  
10 funds by test. Local educational agencies shall bear any additional  
11 costs to administer these assessments that are in excess of the  
12 contracted amount. With approval of the state board and the  
13 Director of Finance, the department shall amend the existing  
14 assessment contract to accommodate field testing beyond the  
15 representative sample, and to allow for special studies using  
16 information collected from the field tests.

17 (g) From the funds available for that purpose, each local  
18 educational agency shall administer assessments as determined by  
19 the state board pursuant to paragraph (5) of subdivision (c).

20 (h) As feasible, the CAASPP field tests shall be conducted in  
21 a manner that will minimize the testing burden on individual  
22 schools. The CAASPP field tests shall not produce individual pupil  
23 scores unless it is determined that these scores are valid and  
24 reliable.

25 (i) The governing board of a school district may administer  
26 achievement tests in grades other than those required by this section  
27 as it deems appropriate.

28 (j) The governing board of a school district may administer a  
29 primary language assessment aligned to the English language arts  
30 standards adopted pursuant to Section 60605 to a pupil identified  
31 as limited English proficient enrolled in any of grades 2 to 11,  
32 inclusive, who either receives instruction in his or her primary  
33 language or has been enrolled in a school in the United States for  
34 less than 12 months until a subsequent primary language  
35 assessment aligned to the common core standards in English  
36 language arts adopted pursuant to Section 60605.8 is developed  
37 pursuant to paragraph (5) of subdivision (b). If the governing board  
38 of a school district chooses to administer this assessment, it shall  
39 notify the department in a manner determined by the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and ~~those~~ *the* individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l) (1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to ~~school districts~~ *local educational agencies* for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the ~~number~~, *number and type of tests administered*, ~~administered~~ and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal

1 committees of both houses of the Legislature with accompanying  
2 material justifying the proposed adjustment. The Director of  
3 Finance is authorized to approve only those adjustments related  
4 to activities required by statute. The Director of Finance shall  
5 approve or disapprove the amount within 30 days of receipt of the  
6 request and shall notify the chairpersons of the fiscal committees  
7 of both houses of the Legislature of the decision.

8 (m) For purposes of making the computations required by  
9 Section 8 of Article XVI of the California Constitution, the  
10 appropriation for the apportionments made pursuant to paragraph  
11 (1) of subdivision (I), and the payments made to the contractors  
12 under the contracts required pursuant to Section 60643 or  
13 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
14 60605 between the department and the contractor, are “General  
15 Fund revenues appropriated for school districts,” as defined in  
16 subdivision (c) of Section 41202, for the applicable fiscal year,  
17 and included within the “total allocations to school districts and  
18 community college districts from General Fund proceeds of taxes  
19 appropriated pursuant to Article XIII B,” as defined in subdivision  
20 (e) of Section 41202, for that fiscal year.

21 (n) As a condition to receiving an apportionment pursuant to  
22 subdivision (I), a local educational agency shall report to the  
23 Superintendent all of the following:

24 (1) The pupils enrolled in the local educational agency in the  
25 grades in which assessments were administered pursuant to  
26 subdivisions (b) and (c).

27 (2) The pupils to whom an achievement test was administered  
28 pursuant to subdivisions (b) and (c) in the local educational agency.

29 (3) The pupils in paragraph (1) who were exempted from the  
30 test pursuant to this section.

31 (o) The Superintendent and the state board are authorized and  
32 encouraged to assist postsecondary educational institutions to use  
33 the assessment results of the CAASPP, including, but not  
34 necessarily limited to, the grade 11 consortium summative  
35 assessments in English language arts and mathematics, for  
36 academic credit, placement, or admissions processes.

37 (p) Subject to the availability of funds in the annual Budget Act  
38 for this purpose, and exclusive of the consortium assessments, the  
39 Superintendent, with the approval of the state board, annually shall  
40 release to the public test items from the achievement tests pursuant

1 to Section 60642.5 administered in previous years. Where feasible  
2 and practicable, the minimum number of test items released per  
3 year shall be equal to 25 percent of the total number of test items  
4 on the test administered in the previous year.

5 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,  
6 of Title 5 of the California Code of Regulations shall be revised  
7 by the state board to conform to the changes made to this section  
8 in the first year of the 2013–14 Regular Session. The state board  
9 shall adopt initial regulations as emergency regulations to  
10 immediately implement the CAASPP assessments, including, but  
11 not necessarily limited to, the administration, scoring, and reporting  
12 of the tests, as the adoption of emergency regulations is necessary  
13 for the immediate preservation of the public peace, health, safety,  
14 or general welfare within the meaning of Section 11346.1 of the  
15 Government Code. The emergency regulations shall be followed  
16 by the adoption of permanent regulations, in accordance with the  
17 Administrative Procedure Act (Chapter 3.5 (commencing with  
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
19 Code).

20 SEC. 8. Section 60641 of the Education Code is amended to  
21 read:

22 60641. (a) The department shall ensure that local educational  
23 agencies comply with each of the following requirements:

24 (1) The achievement tests provided for in Section 60640 are  
25 scheduled to be administered to all pupils, inclusive of pupils  
26 enrolled in charter schools and exclusive of pupils exempted  
27 pursuant to Section 60640, during the period prescribed in  
28 subdivision (b) of Section 60640.

29 (2) For assessments that produce valid individual pupil results,  
30 the individual results of each pupil tested pursuant to Section 60640  
31 shall be reported, in writing, to the parent or guardian of the pupil.  
32 The report shall include a clear explanation of the purpose of the  
33 test, the score of the pupil, and the intended use by the local  
34 educational agency of the test score. This subdivision does not  
35 require teachers or other local educational agency personnel to  
36 prepare individualized explanations of the test score of each pupil.  
37 It is the intent of the Legislature that nothing in this section shall  
38 preclude a school or school district from meeting the reporting  
39 requirement by the use of electronic media formats that secure the  
40 confidentiality of the pupil and the pupil's results. State agencies



1 or local educational agencies shall not use a comparison resulting  
2 from the scores and results of the California Assessment of Student  
3 Performance and Progress (CAASPP) assessments and the  
4 assessment scores and results from assessments that measured  
5 previously adopted content standards.

6 (3) (A) For assessments that produce valid individual pupil  
7 results, the individual results of each pupil tested pursuant to  
8 Section 60640 also shall be reported to the school and teachers of  
9 a pupil. The local educational agency shall include the test results  
10 of a pupil in his or her pupil records. However, except as provided  
11 in this section and Section 60607, personally identifiable pupil test  
12 results only may be released with the permission of either the  
13 pupil's parent or guardian if the pupil is a minor, or the pupil if  
14 the pupil has reached the age of majority or is emancipated.

15 (B) Notwithstanding subparagraph (A) and pursuant to  
16 subdivision (c) of Section 60607, a pupil or his or her parent or  
17 guardian may authorize the release of individual pupil results to a  
18 postsecondary educational institution for the purpose of credit,  
19 placement, determination of readiness for college-level coursework,  
20 or admission.

21 (4) The districtwide, school-level, and grade-level results of the  
22 CAASPP in each of the grades designated pursuant to Section  
23 60640, but not the score or relative position of any individually  
24 ascertainable pupil, shall be reported to the governing board of the  
25 school district at a regularly scheduled meeting, and the  
26 countywide, school-level, and grade-level results for classes and  
27 programs under the jurisdiction of the county office of education  
28 shall be similarly reported to the county board of education at a  
29 regularly scheduled meeting.

30 (b) The state board shall adopt regulations that outline a calendar  
31 for delivery and receipt of summative assessment results at the  
32 pupil, school, grade, district, county, and state levels. The calendar  
33 shall include delivery dates to the department and to local  
34 educational agencies. The calendar for delivery shall provide for  
35 the timely return of assessment results, and consider the amount  
36 of paper-and-pencil administered assessments and number of items  
37 requiring hand scoring. The calendar shall also ensure that  
38 individual assessment results are reported to local educational  
39 agencies within eight weeks of receipt by the contractor for scoring.

(c) Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. Exclusive of the reports developed pursuant to Section 60630, in no case shall any group score or report be displayed that would deliberately or inadvertently make the score or performance of any individual pupil or teacher identifiable.

(d) *For researchers or research entities identified in subdivision (f) of Section 49079.5 or subdivision (c) of Section 49079.7, as applicable, the CAASPP scores and results may be released only in compliance with federal and state privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g).*

~~(d)~~

(e) The department shall ensure that pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the CAASPP for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.

SEC. 9. Section 60643 of the Education Code is amended to read:

60643. (a) Notwithstanding any other law, the contractor or contractors of the achievement tests provided for in Section 60640 shall comply with all of the conditions and requirements of the contract to the satisfaction of the Superintendent and the state board.

(b) (1) The department shall develop, and the Superintendent and the state board shall approve, a contract or contracts to be entered into with a contractor in connection with the test provided for in Section 60640. The department may develop the contract through negotiations. In approving a contract amendment to the contract authorized pursuant to this section, the department, in consultation with the state board, may make material amendments to the contract that do not increase the contract cost. Contract amendments that increase contract costs may only be made with

1 the approval of the department, the state board, and the Department  
2 of Finance.

3 (2) For purposes of the contracts authorized pursuant to this  
4 subdivision, the department is exempt from the requirements of  
5 Part 2 (commencing with Section 10100) of Division 2 of the  
6 Public Contract Code and from the requirements of Article 6  
7 (commencing with Section 999) of Chapter 6 of Division 4 of the  
8 Military and Veterans Code. The department shall use a  
9 competitive and open process utilizing standardized scoring criteria  
10 through which to select a potential administration contractor or  
11 contractors for recommendation to the state board for consideration.  
12 The state board shall consider each of the following criteria:

13 (A) The ability of the contractor to produce valid and reliable  
14 scores.

15 (B) The ability of the contractor to report accurate results in a  
16 timely fashion.

17 (C) Exclusive of the consortium assessments, the ability of the  
18 contractor to ensure technical adequacy of the tests, inclusive of  
19 the alignment between the California Assessment of Student  
20 Performance and Progress tests and the state-adopted content  
21 standards.

22 (D) The cost of the assessment system.

23 (E) The ability and proposed procedures to ensure the security  
24 and integrity of the assessment system.

25 (F) The experience of the contractor in successfully conducting  
26 statewide testing programs in other states.

27 (3) The contracts shall include provisions for progress payments  
28 to the contractor for work performed or costs incurred in the  
29 performance of the contract. Not less than 10 percent of the amount  
30 budgeted for each separate and distinct component task provided  
31 for in each contract shall be withheld pending final completion of  
32 all component tasks by that contractor. The total amount withheld  
33 pending final completion shall not exceed 10 percent of the total  
34 contract price for that fiscal year.

35 (4) The contracts shall require liquidated damages to be paid  
36 by the contractor in the amount of up to 10 percent of the total cost  
37 of the contract for any component task that the contractor through  
38 its own fault or that of its subcontractors fails to substantially  
39 perform by the date specified in the agreement.

1 (5) The contracts shall establish the process and criteria by  
2 which the successful completion of each component task shall be  
3 recommended by the department and approved by the state board.

4 (6) The contractors shall submit, as part of the contract  
5 negotiation process, a proposed budget and invoice schedule, that  
6 includes a detailed listing of the costs for each component task  
7 and the expected date of the invoice for each completed component  
8 task.

9 (7) The contract or contracts subject to approval by the  
10 Superintendent and the state board under paragraph (1) and exempt  
11 under paragraph (2) shall specify the following component tasks,  
12 as applicable, that are separate and distinct:

13 (A) Development of new tests or test items.

14 (B) Test materials production or publication.

15 (C) Delivery or electronic distribution of test materials to local  
16 educational agencies.

17 (D) Test processing, scoring, and analyses.

18 (E) Reporting of test results to the local educational agencies,  
19 including, but not necessarily limited to, all reports specified in  
20 this section.

21 (F) Reporting of valid and reliable test results to the department,  
22 including, but not necessarily limited to, the following electronic  
23 files:

24 (i) Scores aggregated statewide, and by county, school district,  
25 school, and grade.

26 (ii) Disaggregated scores based on English proficiency status,  
27 gender, ethnicity, socioeconomic disadvantage, foster care status,  
28 and special education designation.

29 (G) All other analyses or reports required by the Superintendent  
30 to meet the requirements of state and federal law and set forth in  
31 the agreement.

32 (H) Technology services to support the activities listed in  
33 subparagraphs (A) to (G), inclusive.

34 (I) Perform regular performance checks and load simulations  
35 to ensure the integrity and robustness of the technology system  
36 used to support the activities listed in subparagraphs (A) to (G),  
37 inclusive.

38 SEC. 10. Section 60643.6 of the Education Code is amended  
39 to read:

1     60643.6. A local educational agency shall be reimbursed by  
2 the contractor selected pursuant to this article for any unexpected  
3 expenses incurred due to scheduling changes that resulted from  
4 the late delivery of testing materials in connection with the  
5 California Assessment of Student Performance and Progress.

6     SEC. 11. Section 60648 of the Education Code is amended to  
7 read:

8     60648. Exclusive of consortium summative assessments, the  
9 Superintendent shall recommend, and the state board shall adopt,  
10 performance standards on the California Assessment of Student  
11 Performance and Progress summative tests administered pursuant  
12 to this article. The performance levels shall identify and establish  
13 the minimum performance required for meeting a particular  
14 achievement level expectation. Once adopted, these standards shall  
15 be reviewed by the state board every five years to determine  
16 whether adjustments are necessary.